

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

11-CR-392-S

ROGER S. LUCZKOWIAK,

**NOTICE OF MOTION TO
SET TRIAL DATE**

Defendant.

PLEASE TAKE NOTICE that upon the attached Affidavit of Aaron J. Mango, Assistant United States Attorney, the undersigned will move this Court at a motion term of the Honorable William M. Skretny, United States District Court for the Western District of New York, United States Courthouse, 2 Niagara Square, Buffalo, New York, on a date and at a time to be set by the Court, so that counsel can be heard to set a date certain for trial.

DATED: Buffalo, New York, December 29, 2011.

Respectfully submitted,

WILLIAM J. HOCHUL, Jr.
United States Attorney

BY: *s/Aaron J. Mango*
AARON J. MANGO
Assistant U.S. Attorney
U.S. Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
(716) 843-5882
aaron.mango@usdoj.gov

TO: John Humann, Esq.

IN THE UNITED STATES DISTRICT COURT
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-v-

11-CR-392-S

ROGER S. LUCZKOWIAK,

Defendant.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

AARON J. MANGO, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York and I am assigned to my office's file regarding this action. This affidavit is filed in support of the motion by the United States to set a date for trial.

2. On December 29, 2011, the parties appeared before Magistrate Judge Jeremiah J. McCarthy for arraignment on the Indictment charging the defendant with various child exploitation offenses. At the arraignment, the defendant indicated that he was seeking an immediate trial. As such, the parties were directed to seek a trial date before this Court.

3. Therefore, under Title 18, United States Code, Section 3161, the Speedy Trial clock is no longer tolled, and the matter is

ready for trial. As such, the government now moves this Court for the setting of a trial date with an opportunity for all parties to be heard as soon as possible, and on a date and at a time to be set by the Court. It is my understanding that myself and defense counsel will be before the Court on another matter on January 5, 2012 at 10 a.m. The government estimates trial to last approximately four days.

WHEREFORE, based upon the foregoing, it is respectfully requested that the Court set a date for trial in this action.

s/Aaron J. Mango
AARON J. MANGO

Sworn to before me this 29th
day of December, 2011.

s/Laura Rogers
LAURA ROGERS
COMMISSIONER OF DEEDS
In And For The City Of Buffalo, New York.
My Commission Expires Dec. 31, 2012.

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-v-

11-CR-392-S

ROGER S. LUCZKOWIAK,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2011, I electronically filed the foregoing **NOTICE OF MOTION TO SET TRIAL DATE AND AFFIDAVIT** with the Clerk of the District Court using its CM-ECF system, which would then electronically notify the following CM/ECF participant on this case:

John Humann, Esq.

s/Laura Rogers

LAURA ROGERS
Legal Assistant